Minutes **April 1, 2004**

Gelza Salazar v. Upland Police Department et al. E032557* E033447* Gelza Salazar v. Upland Police Department et al.

Order

Appellant's petition for rehearing is denied.

*Consolidated.

Minutes April 2, 2004

E033075 People v. Enrique Algalon

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

E033906 People v. Caren M. Hill

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

E033592 Roger Hawkins v. Peter Walski

Opinion

Judgment reversed.

McKinster, Acting P.J.

We concur: Gaut, J., King, J.

E034392 Cherry Valley Acres and Neighbors et al. v. City of Beaumont; Nobel Creek Meadows, LLC et al.

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., King, J.

E032648 Lydia Reynoso v. Metabolife International, Inc.

Opinion

Judgment reversed.

Gaut, J.

We concur: McKinster, Acting P.J., King, J.

E033115 People v. Joseph Alfred Cano

Opinion

Judgment affirmed with directions.

Ramirez, P.J.

I concur: King, J.

I concur and dissent: Gaut, J.

Minutes April 5, 2004

E035058 Tracy P. v. Superior Court County of San Bernardino; Department of Children's Services

Opinion

Petition denied.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

E033196 People v. Juan C. Alcala

Appellant's petition for rehearing is denied.

E035156 Rachel N. v. Superior Court County of San Bernardino; Department of Children's Services

Opinion

Petition denied.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E034497 In re Roderick M., a Person Coming Under the Juvenile Court Law. People v. Roderick M.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Gaut, J., King, J.

Minutes April 6, 2004

E033791 People v. Ronald David Sanchez

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E033373 People v. Randy E. Fuller

Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E033035 In re Marriage of Karen R. and Mark Ruble

Karen R. Ruble v. Mark Ruble

Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

Court convened at 8:30am

Panel 1

Present:

Hollenhorst, Acting P.J.

Richli, J.

King, J.

Yolanda Burns, Deputy Clerk

E033732 People v. Scott DeBorde

Merits. Cause called and Mark A. Vos, Deputy District Attorney, Esq., argued for appellant; Richard A. Levy, Esq., argued for respondent. Cause submitted.

E031578 People v. Richard A. Atchley E034050 In re Atchley on Habeas Corpus

Merits. Cause called and Pierpont M. Laidley, Esq., argued for appellant; Quisteen S. Shum, Deputy Attorney General, argued for respondent. Cause submitted.

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Court recessed.

Court reconvened.

Panel 1a
Present:
Ramirez, P.J.
Richli, J.
Gaut, J.
Yolanda Burns, Deputy Clerk

E033146 People v. Lance H. Le E034469 In re Le on Habeas Corpus

Merits. Cause called and Philip Kent Cohen, Esq., argued for appellant; Daniel B. Rogers, Deputy Attorney General, and Kimberly Zebuda, Certified Law Student, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 1b Present: Ramirez, P.J. Hollenhorst, J. King, J. Yolanda Burns, Deputy Clerk

E033844 People v. Robin R. Woods

Merits. Cause called and Lance A. Cantos, Deputy District Attorney, appeared for appellant; George Taylor, Deputy Public Defender, appeared for respondent. Cause submitted.

E031629 Richard Suhay v. Virginia Surety Co., Inc. et al.

Merits. Cause called and Howard Mark Zelener, argued for appellant; Cheryl A. Orr Esq., argued for respondents. Cause submitted.

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E033137 The People v. \$13,105 United States Currency; Leonard Nieves Merits. Cause called and John R. Blanchard, Esq., argued for appellant; Ronald A. Lillard, Deputy District Attorney., argued for respondent. Cause submitted.

E033330 Jean Mongle v. Sharp Healthcare Murrieta
Merits. Cause called and Kyle J. Scott, Esq., argued for appellant; James
Jason Hill, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel 2a
Present:
Hollenhorst, Acting P.J.
Richli, J.
Ward, J.
Elizabeth Ceballos, Deputy Clerk

E032363 People v. Arturo S.

Merits. Cause called and James M. Crawford, Esq., argued for appellant; Lynne G. McGinnis, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 2b

Present:
Hollenhorst, Acting P.J.
Richli, J.
Gaut, J.
Elizabeth Ceballos, Deputy Clerk

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E033098 People v. Veronica Carmen Garcia

Merits. Cause called and Arthur B. Martin, Esq., argued for appellant; Erika Hiramatsu, Deputy Attorney General, argued for respondent. Cause submitted.

E034134 People v. Superior Court; David R. Riker

Merits. Cause called and Paul Vinegrad, Deputy District Attorney, argued for petitioner; Taylor Huff, Deputy Public Defender, argued for real party in interest. Cause submitted.

Court recessed.

Court reconvened.

Panel 2c Present: McKinster, Acting P.J. Ward, J. Gaut, J. Elizabeth Ceballos, Deputy Clerk

E032874 People v. Carlos Cabrera Mendoza

Merits. Cause called and Jean Ballantine, Esq., argued for appellant; Erika Hiramatsu, Deputy Attorney General, argued for respondent. Cause submitted.

E032476 People v. Theodore Roosevelt Fields

Merits. Cause called and Carl Fabian, Esq., argued for appellant; Hector Jimenez, Deputy Attorney General, argued for respondent. Cause submitted.

E033099 People v. Lyralisa Lavena Stevens

Merits. Cause called and Andrew Rubin, Esq., appearing on behalf of Terrence V. Scott, Esq., argued for appellant; Hector Jimenez, Deputy Attorney General, argued for respondent. Cause submitted.

E033219 People v. Michael Alan Leffew

Merits. Cause called and Cristina Gabrielidis, Esq., and Benjamin P. Lechman, Esq., argued for appellant; Lynne McGinnis, Deputy Attorney General, argued for respondent. Cause submitted.

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E033959 People v. Frank W. Hilaker

Merits. Cause called and Barbara L. Sorem, Esq., argued for appellant; Michael T. Murphy, Deputy Attorney General, argued for respondent. Cause submitted.

Minutes April 7, 2004

Court convened at 8:30am

Panel 3

Present:

Hollenhorst, Acting P.J.

Richli, J.

Ward, J.

Ann Dee Smith, Deputy Clerk

E033920 Fred M. Powers et al. v. The Rug Barn et al.

Merits. Cause called and Rick M. Stein, Esq., argued for appellants; G. Henry Welles, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 3a

Present:

McKinster, Acting P.J.

Gaut, J.

King, J.

Ann Dee Smith, Deputy Clerk

E033279 Elizabeth Passy-Fontes v. State Farm Mutual Automobile Ins.

Merits. Cause called and Jason H. Wilson, Esq., argued for appellant; Robert H. Wright, Esq., argued for respondents. Cause submitted.

E033882 Pedro Hernandez v. San Bernardino County

Merits. Cause called and Charles Swanston, Esq., argued for appellant; Alan L. Green, Deputy County Counsel, argued for respondent. Cause submitted.

Court adjourned.

E033056 People v. Elton Leon Williams

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

Minutes April 8, 2004

E033856 People v. Ramon S. Corro

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

E033732 People v. Scott DeBorde

Opinion

Dismissed.

Hollenhorst, Acting P.J.

We concur: Richli, J., King, J.

E033722 People v. James Ronald Drake

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

E033312 In re Earl R., a Person Coming Under the Juvenile Court Law. People v. Earl R.

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

E033631 People v. Allan O. Brown

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Gaut, J., King, J.

Minutes April 9, 2004

E034848 In re A.J., a Person Coming Under the Juvenile Court Law;

Department of Public Social Services v. D. J. Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., King, J.

E032691* James Mason v. Lake Dolores Group, LLC

Opinion

Judgment reversed and remanded with directions.

King, J.

We concur: McKinster, Acting P.J., Gaut, J.

*CERTIFIED FOR PUBLICATION

E031850 People v. Pheo Khemphomma et al.

Opinion

Judgment affirmed with directions.

King, J.

We concur: McKinster, Acting P.J., Ward, J.

E032709 People v. Cleo Joel James III

Opinion

Judgment affirmed.

Richli, J.

I concur: Ward, J.

I dissent: McKinster, Acting P.J.

E033739 People v. Don Lee Miller

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E033936 Estate of Gary T. Ratchford, Deceased.

Richard Ratchford, as Administrator, etc. v. Schlecht, Shevlin, & Schoenberger, ALC.

Opinio

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Judgment reversed.

King, J.

We concur: McKinster, Acting P.J., Gaut, J.

E033146 People v. Lance H. Le

Opinion

Judgment affirmed.

E034469 In re Lance Le on Habeas Corpus

Petition denied.

Richli, J.

We concur: Ramirez, P.J., Gaut, J.

E034181 People v. Mark K. Rhodes

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

Minutes April 12, 2004

E033098 People v. Veronica Carmen Garcia

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E032405 People v. Ronald Eugene Reeve

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E035276 Christopher C. v. The Superior Court of the County of San Bernardino;

Department of Children's Services

Opinion

Petition denied.

Ward, J.

We concur: McKinster, Acting P.J., King, J.

E034035 In re Silas B., a Person Coming Under the Juvenile Court Law; People v. Silas B.

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E034362 Charles Craver et al. v. Marceline Hoffman

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

Minutes April 13, 2004

E033056 People v. Elton Leon Williams

Modification of

Opinion

No change in judgment.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E033314 People v. James N. Hill

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E034121 Nancy Peters v. Bally's Holiday Spa Health Clubs of California

Judgment affirmed.

Opinion

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

E034644 In re L.M. et al., Persons Coming Under the Juvenile Court Law Department of Public Social Services v. R. M. et al.

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

E032874 People v. Carlos Cabrera Mendoza

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., Gaut, J.

E033341 People v. Armando Exparza Mercado Opinion

Judgment affirmed in part; reversed in part with directions.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

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E033844 People v. Robin R. Woods

Opinion

Order affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., King, J.

E032363 In re Arturo S., a Person Coming Under the Juvenile Court Law. People v. Arturo S.

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E034231 In re K.S., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Jillian S. et al.

Opinion

Judgment affirmed as to mother J.S. Dismissed as to grandmother C.S.

McKinster, Acting P.J.

We concur: Gaut, J., King, J.

E033137 The People v. \$13,105 United States Currency; Leonard Nieves

Dismissed

Opinion

Ramirez, P.J.

We concur: Hollenhorst, J., King, J.

E034400 In re Amber M., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Ruth C.

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

E034250 In re Antonio G., a Person Coming Under the Juvenile Court Law.

People v. Antonio G.

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

E033920* Fred M. Powers et al. v. The Rug Barn et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J. *CERTIFIED FOR PARTIAL PUBLICATION

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E030498 Kevin Smith et al. v. Charlie Stackhouse et al.

Opinion

Judgment affirmed in part, reverse in part.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E035194 Michael H. v. San Bernardino Superior Court; Department of Children's Services

Opinio

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Petition Denied.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

E032284 Hye Lee et al., v. Chaps Leasing, Inc. et al.

Opinion

Judgment affirmed in part, reversed in part.

Gaut, J.

I concur: Ramirez, P.J. I concur: Ward, J.

Minutes April 14, 2004

E031578 People v. Richard Arlen Atchley

Opinion

Judgment affirmed.

E034050 In re Richard Arlen Atchley

Petition denied.

King, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E033987 People v. Sammie Joe Young

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

E033337 People v. Sean Joseph Kennedy Gavan

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E033279 Elizabeth Passy-Fontes v. State Farm Mutual Automobile Insurance Company et al.

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Gaut, J., King, J.

E031629 Richard Suhay v. Virginia Surety Company, Inc. et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., King, J.

Minutes April 15, 2004

E035192 Rodrigo R. v. The Superior Court of the County of San Bernardino; San Bernardino County Department of Children's Services

Opinio

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Petition denied.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

Minutes April 16, 2004

No minutes for April 16, 2004.

Minutes April 19, 2004

E033393 People v. Brady Armstrong

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., King, J.

E032476 People v. Theodore Roosevelt Fields

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

E032415* Jaylee Titus v. Canyon Lake Property Owners Association etal E033517* Jaylee Titus v. Barton Protective Services, Inc.

Opinion

Judgment affirmed.

King, J.

We concur: McKinster, Acting P.J., Gaut, J.

*Consolidated.

E032916 People v. Rudy Adam Elias

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

E035185 Golden Eagle Insurance Corp. v. Superior Court of Riverside; James Stirbl et al.

Petition for rehearing filed by real parties in interest is denied.

Minutes April 20, 2004

E033882* Pedro Hernandez v. County of San Bernardino

Opinion

Judgment reversed.

Gaut, J.

We concur: McKinster, Acting P.J., King, J.

*CERTIFIED FOR PUBLICATION

E033205 ADAD et al., v. City of Moreno Valley

Appellants' petition for rehearing is denied.

E033836 Barbara Musselman v. County of San Bernardino

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., King, J.

E033646 Armcon Corp. v. Larry D. Smith etc.; Della Sue Benson et al.

Opinion

Judgment affirmed.

King, J.

We concur: Ramirez, P.J., Ward, J.

E033330 Jean Mongle v. Sharp Healthcare Murrieta

Opinion

Judgment affirmed.

Ramirez, P.J.

I concur: Hollenhorst, J.

I concur by opinion: King, J.

E033219 People v. Michael Alan Leffew

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

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E033959 People v. Frank Wayne Hilaker Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

E033099 People v. Lyralisa Lavena Stevens Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

Minutes April 21, 2004

E035281 Deborah D. v. Superior Court for the County of Riverside; Department of

Public Social Services

Opinio

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Petition Denied.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

E034841 In re Christopher D., a Person Coming Under the Juvenile Court Law.

People v. Christopher D.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

E033689 People v. Jeremy Thomas Barrett

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E034640 In re Michael P., a Person Coming Under the Juvenile Court Law

People v. Michael P.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E034423 In re Kyle M., a Person Coming Under the Juvenile Court Law

People v. Kyle M.

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

Minutes April 22, 2004

E035259 Kenneth W. et al., v. Superior Court County of San Bernardino;

Department of Children's Services

Opinion

Petitions denied.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E033931 David Mullican v. City of Ontario et al.

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

E034861 People v. John P. McIntyre

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

E033862* Mt. San Jacinto Community College District v. Superior Court of

Riverside:

Azusa Pacific University

Modification of

Opinion

No change in Judgment.

Petition for Rehearing denied.

King, J.

We concur: McKinster, Acting P.J., Gaut, J.

*Certified for Publication.

E034705 People v. Ronald Dashon Bayless

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

E034857 In re Juan M. a Person Coming Under the Juvenile Court Law

People v. Juan M.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

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E033869 People v. Daniel Rojas

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

E034300 Richard Swanson v. Geoffrey Trachtenberg

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

E034739 In re Casey W., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Theresa W. et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., King, J.

E034853 In re Michael M., a Person Coming Under the Juvenile Court Law People v. Michael M.

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E033599 Sandra Colton v. Ross Stores, Inc.

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

People v. Ruben Moreno Miranda E034314 Opinion

Judgment affirmed. Ramirez, P.J.

We concur: Ward, J., King, J.

Minutes April 23, 2004

E033837 People v. John A. Richardson

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E035193 Arlena M. v. The Superior Court of the County of San Bernardino; San Bernardino County Department of Children's Services

Opinion

Petition denied.

McKinster, Acting P.J.

We concur: Hollenhorst, J., Gaut, J.

E032142 People v. Adrian Eugene Moore

Opinion

Judgment reversed.

McKinster, J.

I concur: King, J.

I dissent: Ramirez, P.J.

Minutes April 26, 2004

No minutes for April 26, 2004.

Minutes April 27, 2004

No minutes for April 27, 2004.

Minutes April 28, 2004

No minutes for April 28, 2004.

Minutes April 29, 2004

E034711 In re Jeremy S., a Person Coming Under the Juvenile Court Law People v. Jeremy S.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E032134 People v. Oscar Ochoa

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Hollenhorst, J.

Minutes April 30, 2004

E035113 James W. v. The Superior Court of the County of San Bernardino;

San

Bernardino County Department of Children's Services Opinion

Petition denied.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

E035243 Cecilia H. v. The Superior Court of the County of San Bernardino; San Bernardino County Department of Children's Services

Opinio

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Petition denied.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

E035173 Faith T. v. The Superior Court of the County of San Bernardino; San Bernardino County Department of Children's Services

Opinio

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Petition denied.

McKinster, Acting P.J.

We concur: Hollenhorst, J., King, J.

E034052 People v. Jorge Arturo Cordova

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E034115 People v. Ronald F. Harman

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E035397 Kristy C. v. The Superior Court of the County of San Bernardino;

San

Bernardino County Department of Children's Services Opinion

Petition denied.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

E033283 People v. Adrian Duran Stewart

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

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E033615 People v. Israel Salas

Opinion

Judgment affirmed in part, reversed in part.

Gaut, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E034221 In re Steven R., a Person Coming Under the Juvenile Court Law David C. v. Jerome R.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.